

# EXHIBIT 1 – COMPLAINT

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Original Filed  
JAN 24 2022

TIMOTHY W. FITZGERALD  
SPOKANE COUNTY CLERK

8 SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

9 COLIN SCHWARTZMANN,

10 Plaintiff,

11 vs. No. 22200228-32

12 SAVVAS LEARNING COMPANY, LLC,

13 Defendant.

14 COMPLAINT FOR EMPLOYMENT

15 DISCRIMINATION

16 COMES NOW the Plaintiff, COLIN SCHWARTZMANN, by and through his  
17 attorney Stephen Bergman of Cooney Law Offices, P.S., and for causes of action against  
18 Defendant, alleges as follows:

19 1. Plaintiff at all times material hereto was a resident of Spokane County,  
20 Washington.

21 2. Defendant, SAVVAS LEARNING COMPANY, LLC (hereinafter "Savvas")  
22 was at all times material hereto a Delaware corporation licensed to do business in the State of  
23 Washington, and at all times material hereto was doing business in Spokane County,  
24 Washington.

25 3. At all times material hereto, Plaintiff was employed with Defendant  
26 Corporation.

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28 COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 1

4. Venue of this action is proper in Spokane County, Washington as the place where all acts referred to herein occurred.

## I. FACTUAL ALLEGATIONS

5. Mr. Schwartzmann was hired by Savvas as a Field-Remote K-12 Curriculum Specialist in Sales and Services for Math and Science. He was one of the few certified K-12 specialists at Savvas. His responsibilities included delivering sales presentations and representing Savvas at conferences to drive sales of Savvas products.

6. Mr. Schwartzmann's immediate supervisor was Christy Grossnickle. Heidi Bruhn and Adrea Perlick also held supervisory roles above Plaintiff.

7. Prior to August 2019, Mr. Schwartzmann disclosed that he was struggling with his assigned schedule on multiple occasions during check-in calls with his manager. His assigned schedule sometimes attained an unmanageable 80 hours per week. He disclosed that he was suffering from extreme anxiety from this schedule on various occasions as his condition worsened. His manager responded that it was just “the nature of the business.”

8. On August 16, 2019, Mr. Schwartzmann sought treatment for anxiety from his primary care physician, Donald F. Condon, MD. Dr. Condon evaluated the increasingly severe anxiety Mr. Schwartzmann was suffering from and wrote a note determining that he should be limited to a 40-hour work week. Dr. Condon also determined that Mr. Schwartzmann's travel should not exceed four days per week. Mr. Schwartzmann submitted this medical note to Human Resources as soon as he received it.

9. After submitting the note detailing Dr. Condon's recommendations to Human Resources, Mr. Schwartzmann began to suffer from disparate treatment during his regular check-in calls with his manager. She stated on multiple occasions that Mr. Schwartzmann

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1 needed to seek alternate employment because his job required "more than 40 hours per week"  
2 and "extensive travel."

3 10. In April 2020, Mr. Schwartmann and other employees of Savvas were  
4 furloughed until July 15, 2020, due to the pandemic. Other employees resumed work on the  
5 anticipated start date, July 15, 2020. However, Mr. Schwartmann, an employee requiring a  
6 medical accommodation for his disability, was informed that his furlough had been extended  
7 to December 31, 2020.

9 11. On October 6, 2020, Defendant notified Mr. Schwartmann that his position  
10 had been "eliminated" and that the company was moving in a "different direction",  
11 specifically stating it was not due to performance. Mr. Schwartmann's official last day of  
12 employment was October 16, 2020.

14 12. On October 17, 2020, Savvas published an advertisement on the company  
15 website for Mr. Schwartmann's position that he was told had just been "eliminated."

## 16 II. FIRST CLAIM – DISABILITY DISCRIMINATION

17 13. The allegations of paragraph 1 through 13 are hereby incorporated by reference  
18 as if fully set forth.

19 14. Defendant discriminated against Plaintiff when he was terminated from  
20 employment based on his disability and perceived disability in violation of the Washington  
21 Law Against Discrimination, RCW 49.60 et. Seq.

23 15. As a direct and proximate result of Defendant's discriminatory practices,  
24 Plaintiff has sustained economic damages consisting of past and future wage loss, loss of  
25 benefits; as well as noneconomic loss including mental anguish, emotional distress, and  
26 physical distress, all in an amount to be proved at trial.

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28 COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 3

16. Pursuant to RCW 49.60.030, Plaintiff is entitled to his attorney fees and costs as a result of Defendant's discriminatory employment practices.

**IV. SECOND CLAIM – WRONGFUL TERMINATION IN VIOLATION OF  
PUBLIC POLICY**

17. The allegations of paragraph 1 through 17 are hereby incorporated by reference as if fully set forth.

18. Defendant terminated Plaintiff because of his disability contrary to the Washington State common law claim of wrongful discharge in violation of public policy.

19. Defendant terminated Plaintiff in retaliation for seeking an accommodation for disability contrary to the Washington State common law claim of wrongful discharge in violation of public policy.

20. As a direct and proximate result of Defendant's discriminatory practices, Plaintiff has sustained economic damages consisting of past and future wage loss, and loss of benefits; as well as noneconomic loss including mental anguish, emotional distress, and physical distress, all in an amount to be proved at trial.

21. Pursuant to 49.48.030, Plaintiff is entitled to attorney's fees where lost wages or future lost wages are recovered. *See Gagliardi v. Denny's Restaurants, Inc.*, 117 Wn.2d 426, 451, 815 P.2d 1362 (1991).

#### V. THIRD CLAIM - RETALIATION

22. The allegations of paragraph 1 through 22 are hereby incorporated by reference as if fully set forth.

23. Defendant retaliated against Plaintiff because of his disclosure of a disability and his request for a reasonable accommodation in violation of RCW 49.60.

1       24. As a direct and proximate result of Defendant's discriminatory practices,  
 2 Plaintiff has sustained economic damages consisting of past and future wage loss, and loss of  
 3 benefits; as well as noneconomic loss including mental anguish, emotional distress, and  
 4 physical distress, all in an amount to be proven at trial.  
 5

6       25. Pursuant to RCW 49.60.030, Plaintiff is entitled to his attorney's fees and costs  
 7 as a result of Defendant's discriminatory employment practices.  
 8

## VI. FOURTH CLAIM – TAX CONSEQUENCES

9       26. The allegations of paragraph 1 through 26 are hereby incorporated by reference  
 10 as if fully set forth.  
 11

12       27. Plaintiff will suffer adverse tax consequences as a result of any damages  
 13 received herein and requests an additional award by the court for any adverse tax  
 14 consequences.  
 15

## VII. PRAYER FOR RELIEF

16       28. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment  
 17 against Defendant as follows:  
 18

19       29. Damages for economic loss both past and future because of Defendant's  
 20 conduct in an amount to be proved at the time of trial.  
 21

22       30. Damages for noneconomic loss including mental anguish, emotional and  
 23 physical distress in an amount to be proved at the time of trial.  
 24

25       31. Damages for adverse tax consequences because of Defendant's conduct in an  
 26 amount to be proved at the time of trial.  
 27

28       32. Prejudgment interest on all liquidated sums.  
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30       COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 5

33. Plaintiff's taxable costs incurred herein together with reasonable attorney's fees pursuant to RCW 49.60.030, RCW 49.48.030, and common law, equity, or statute; and

34. Such other and further relief as the court deems equitable and proper.

Dated this 18 day of January, 2022.

**COONEY LAW OFFICES, P.S.**

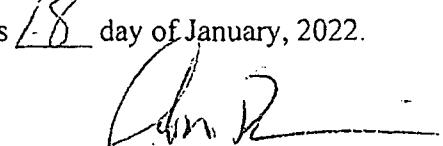
**STEPHEN M. BERGMAN, #44816**  
Attorney for Plaintiff

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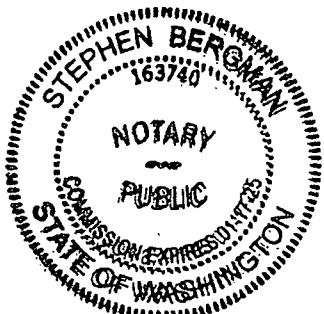
1 STATE OF WASHINGTON )  
2 ) ss.  
County of Spokane )

3 Colin Schwartzmann, being first duly sworn on oath, states:  
4  
5 I am the plaintiff above-named. I have read the foregoing Complaint for Employment  
6 Discrimination, know the contents thereof and believe the same to be true to the best of my  
7 knowledge, information, and belief.

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10   
11 COLIN SCHWARTZMANN

12 Subscribed and sworn to before me this 18 day of January, 2022.  
13 

14 NOTARY PUBLIC in and for the State of  
15 Washington, residing at Spokane. My  
16 commission expires: 11/17/25  
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